

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
October 13, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, and Planning Director Jennifer Simmons. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:07 p.m.; role call was taken and all Trustees were present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT There was no one signed up for Public Comment.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Home Rule Charter Update, 5th Annual Art Show and Upcoming Board of Trustees Work Sessions. Administrative Services provided information about the Frederick Recreation Area – Phase 1 Update. The Engineering Department provided information about Eagle Business Park/U.S. Engineering, Concrete Replacement, Street Maintenance, Aggregate Boulevard Culvert Repair and Building Division Activity, which includes information about Residential, Commercial, Fences and Auxiliary Buildings and Building Permit Software Enhancements. The Engineering Department also provided information about Central Weld County Water District, Water Contract Negotiations and Central Weld County Water District and the Northern Integrated Supply Project. The Finance and Human Resources Department provided information about the Year 2010 Budget, United Power Payments and Human Resources Audit. The Planning Department provided information about the Bulrush Wetland Park, Downtown Development Plan and Land Use Application Submittals. The Police Department provided information about the Police Department Accreditation and Physical Abilities.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report and also indicated that Planner Jennifer Simmons, Engineer Dick Leffler and Assistant Town Attorney Cyril Vidergar meet with SMT to discuss the possibility of annexing to the Town of Frederick.

LIQUOR LICENSING AUTHORITY

Mayor Doering indicated the Town Board was currently acting in the capacity of the Local Liquor Licensing Authority. This portion of the meeting began at 7:18p.m.

AM 2009-0095, To Consider Pete's Place/ Papa Frank's LLC Liquor License Renewal Pete's Place/Papa Frank's LLC, Liquor License would expire on August 28, 2009, if he had not submitted the renewal application was submitted on the day of expiration. During the review process the Police Department found that the applicant's Certificate of Good Standing had expired and needs to be brought current prior to renewing the liquor license. A current Certificate of Good Standing was provided to the Board of Trustees. At the time of the meeting the applicant provided a copy of his current Certificate of Good Standing. Motion by Trustee Carey to grant the renewal of Pete's Place/Papa Frank's, LLC Liquor License, Trustee Wollack seconded the motion and motion carried unanimously.

AM 2009-093, To Consider Renewal of 10th Hole/Bella Rosa Cheljack, LLC, Liquor License The Optional Premises Liquor License for 10th Hole/Bella Rosa Cheljack, LLC, Liquor License expires on November 27, 2009. The applicant is application is complete and the Frederick Police Department "Findings" don't appear there is a reason to deny the license renewal application. Motion by Trustee Pfirsch to grant the renewal of 10th Hole/Cheljack, LLC Liquor License, Trustee Hattel seconded the motion and motion carried with Trustee Carey voting "nay" to the motion.

AM 2009-094, To Consider Renewal of Corbett Capital Corporation dba Pepperjack's Neighborhood Grill Liquor License The Hotel and Restaurant Liquor License for Corbett Capital Corporation dba Pepperjack's Neighborhood Grill expires on October 23, 2009. The application was submitted in a timely manner and a report from the Frederick Police Department was supplied to the Board of Trustees indicating the "findings" regarding Corbett Capital Corporation dba Pepperjack's Neighborhood Grill Liquor License was eligible for renewal. Motion by Trustee Wollack to grant the renewal of Corbett Capital Corporation dba Pepperjack's Neighborhood Grill Liquor License, Trustee Pfirsch seconded the motion and motion carried unanimously.

Mayor Doering indicated the Town Board will begin the Action Agenda portion of the agenda and is now acting in their Town Board capacity. This portion of the meeting began at 7:23p.m.

ACTION AGENDA

AM 2009-0096 Memorandum of Understanding on High School Bell The Town of Frederick purchased the original bell for the Frederick High School, from the estate of the owner of a Bell Museum in 2007, for \$1500. The Memorandum of Understanding will allow the bell to be used and located in the proposed Frederick High School; however the title to the bell would remain with the Town of Frederick. The Memorandum of Understanding requires that the bell have a prominent place in the proposed Frederick High School and that the Town Board would determine if the proposed location would be "prominent". The St.

Vrain Valley School District has not approved the proposed Memorandum and there was preliminary discussion from the School District that they (the School District) would need to own the bell. Motion by Trustee Wollack to present the proposed Memorandum of Understanding to the St. Vrain Valley School District's Board, Trustee Carey seconded the motion and motion carried unanimously.

AM 2009-099, Memorandum of Understanding with Weld County on Vehicle Tax Collections Weld County provided the Town an updated Memorandum of Understanding authorizing the County Clerk and Recorder to collect sales and use taxes on the sale of motor vehicles occurring in the Town of Frederick at the time a purchaser registers the vehicle, rather than the purchaser paying the tax directly to the Town of Frederick and taking a receipt of taxes paid to the dealer or County offices at the time of registration. The Memorandum of Understanding doesn't include a termination date or a provision to terminate the date. The Town Attorney indicated one is needed, in case the Town undergoes collecting it's own taxes. The Town Attorney also indicated there was communication with the Weld County and they had no objection to having a five year sunset clause added to the Memorandum of Understanding. Motion by Trustee Carey to approve Resolution 09R051, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING AN AGREEMENT WITH THE WELD COUNTY CLERK AND RECORDER, MOTOR VEHICLES DIVISION AS TO COLLECTION OF LOCAL SALES AND USE TAXES ON MOTOR VEHICLE PURCHASES, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-098 To Consider the Hauck Preserve Minor Subdivision The applicant Winston Associates, on behalf of Hauck Preserve at Idaho Creek LLC, submitted an application for a minor subdivision. The property was approved for annexation in April 2008 with Agricultural Zoning. The subdivision will plat the western 35.785 acres of land included in the annexation, the remainder of the land annexed will remain unplatted until a later date. The Planning Commission considered this item at a public hearing held on September 15, 2009. There was no one in objection to this request; the Planning Commission voted in favor of the request.

Ginny Shaw a near by resident voiced her concerns regarding the location of where the Public Hearing notice for the Hauck Preserve property. Shaw also stated that she was concerned about possible ground water issues (septic systems and ditch/creek contamination) and requested the Board add a condition to the Minor Subdivision; the condition being that semi-annual testing of the proposed sites be done by the Colorado Department of Health. Mayor Doering indicated the reason Shaw was allowed to speak during the presentation, was the discretion of the chair.

Motion by Mayor Pro Tem Wedel to approve Resolution 09R052, A RESOLUTION REGARDING THE REVIEW OF THE HAUCK PRESERVE MINOR SUBDIVISION, LOCATED WITHIN THE WEST HALF OF THE NORTH HALF OF SECTION 29, TOWNSHIP 29 N, RANGE 68 W OF THE 6TH P.M, TOWN OF FREDERICK, COLORADO, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE PLAT, Trustee Wollack seconded the motion and motion carried unanimously.

Motion by Mayor Pro Tem Wedel to adopt Ordinance #1023, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, APPROVING THE HAUCK PRESERVE MINOR SUBDIVISION PLAT, LOCATED WITHIN THE NORTH HALF OF SECTION 29, TOWNSHIP 29 N, RANGE 68 W OF THE 6TH P.M, TOWN OF FREDERICK, COLORADO, Trustee Hattel seconded the motion and motion carried unanimously.

AM 2009-097, Request to Amend the Spindle Hill Energy Center Deed of Conservation Easement The applicant Invenergy would like to install a small photovoltaic solar power generation demonstration and education field within Outlot 3 of Johnson Farms/Spindle Hill Energy Center Subdivision adjacent to the existing Spindle Hill Power Plant. The Town of Frederick holds the conservation easement to Outlot 3, and the Town Board must agree to negotiate amendments to the Conservation Easement in order for the photovoltaic solar power field to be considered. Motion by Trustee Wollack to direct staff to negotiate amendments to the Conservation Easement in consideration of a potential photovoltaic solar power demonstration and education site as generally described in Invenergy's letter dated September 16, 2009, Trustee Carey seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Pfirsch to approve the Consent Agenda with the following items; Approval of the List of Warrants for October 13, 2009, September 1, 2009, Special Meeting Minutes, September 8, 2009, Regular Meeting Minutes and September 22, 2009, Regular Meeting Minutes, Trustee Hattel seconded the motion and motion carried unanimously.

MAYOR AND BOARD REPORTS

Trustee Carey had nothing to report.

Trustee Hattel provided information to the Board about the upcoming annual art show.

Trustee Pfirsch indicated the DRCOG meeting was canceled, requested information about the timing of submittals for renewal liquor license. Also that he is a grandpa again!

Trustee Schiers inquired about the Town's ordinances being on the Town's website, and why the Town's Museum was not open on Miner's Day.

Trustee Wollack thanked everyone for their help on Miner's Day and thanked the Board for the involvement. Trustee Wollack also indicated he had received e-mails from property owners on Weld County Road 5, inquiring why they are receiving mail that was addressed to Bulrush Boulevard.

Mayor Pro Tem Wedel again made mention of communication and inquired about the comment that was made during the meeting regarding the location of Public Hearing

notice; is this something Town staff should consider as a change to the Frederick Land Use Code.

Mayor Doering indicated that he attended a CML meeting in Denver and during the meeting there was discussion about UQM a Frederick located business and the potential the business is displaying. Mayor Doering also made mention about the list of top businesses in the Northern Colorado Business Report and how several of Frederick's businesses made the top twenty and how Longmont United Hospital has purchased land in Frederick; more information will be given later; this is a long term project. A reminder that Mayor Carlson's Proclamation will be read to him at the City of Dacono's October 26, 2009, Board meeting. Mayor Doering requested a motion from the Board appointing Town Administrator Derek Todd to the CML Policy Committee. Motion by Trustee Wollack to appoint Derek Todd, Town Administrator to the CML Policy Committee, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

There being no further discussion, Mayor Doering closed the regular meeting at 8:22p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor